

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILD FISH CONSERVANCY,

Plaintiff,

v.

JENNIFER QUAN, in her official capacity  
as Acting Regional Administrator for the  
National Marine Fisheries Service, *et al.*,

Defendants,

and

ALASKA TROLLERS ASSOCIATION,  
and STATE OF ALASKA,

Defendant-Intervenors.

Case No. 2:20-cv-00417-RAJ-MLP

**[PROPOSED]** ORDER GRANTING  
PLAINTIFF’S MOTION FOR AN  
AWARD OF FEES AND COSTS

**BEFORE THE COURT** is Plaintiff’s Motion for an Award of Fees and Costs, Dkt. 202 (“Motion”). Plaintiff Wild Fish Conservancy requests an order awarding it fees and costs against Federal Defendants National Marine Fisheries Service, et al. (“NMFS”) under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, and the citizen suit provision of the Endangered Species Act (“ESA”), 16 U.S.C. § 1540(g), totaling \$2,278,891.00 plus those fees and costs incurred between the filing of the Motion and a final ruling thereon. The Court has reviewed the

1 Motion, response brief, and reply brief submitted by the Parties, as well as the supporting  
2 declarations and exhibits.

3 Being fully advised as to the arguments of the Parties, the Court rules as follows:

4 1. Plaintiff Wild Fish Conservancy prevailed on all claims in this matter and was  
5 awarded relief, thereby achieving a degree of success;

6 2. Defendant NMFS's position in this matter was not substantially justified under  
7 EAJA, 28 U.S.C. § 2412(d)(1)(A);

8 3. Plaintiff Wild Fish Conservancy qualifies as a "party" that may be awarded fees  
9 and costs under EAJA, 28 U.S.C. § 2412(d)(2)(B);

10 4. Plaintiff Wild Fish Conservancy therefore is entitled to an award of fees and costs  
11 under EAJA and the ESA;

12 5. Plaintiff Wild Fish Conservancy's requested lodestar award of hours expended  
13 and hourly rates is reasonable;

14 6. The Court has considered the factors articulated in *Kerr v. Screen Extras Guild, Inc.*,  
15 526 F.2d 67 (9th Cir. 1975), with particular focus on "the amount involved and the results  
16 obtained," and has determined that the circumstances do not justify deviation from the  
17 reasonable lodestar and instead warrant a fully compensatory fee award; and

18 7. Plaintiff Wild Fish Conservancy's expert witness fees and costs are reasonable.

19 Accordingly, the Court hereby **GRANTS** Plaintiff's Motion for an Award of Fees and  
20 Costs. Defendant NMFS is hereby ordered to make the full payment requested in the Reply in  
21 Support of Plaintiff's Motion for an Award of Fees and Costs to Plaintiff Wild Fish Conservancy  
22 within fourteen (14) days of this order.  
23

24 **IT IS SO ORDERED.**

25 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.  
26  
27

28 \_\_\_\_\_  
The Honorable Michelle L. Peterson  
United States Magistrate Judge  
29

1 Presented by:

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